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| EXAMINER | |
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| TRAN, NGHI V | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/005,988 | KANEMAKI ET AL. | |
| | Examiner | Art Unit | |
| | Nghi V Tran | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *29 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☒ Claim(s) *17,20 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/29/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Objections*

2. Claims 17 and 20-21 are objected to because of the following informalities: "therebetween" (pg.121, ln.14) is understood for --there between-- and "prestore" (pg.122, ln.11 and ln.18) is understood for --prior store--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With respect to claims 3 and 8, the functional limitation of the phrase "their respective routers" renders the claim indefinite because it is unclear whether all the routers in the network or only couple of routers in a path.

6. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, because they directly or indirectly depend on claim 3.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 and 9-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Parnafes et al., U.S. Patent No. 6,721,272 (hereinafter Parnafes).

9. With respect to claim 1, Parnafes teaches a method of reserving a transmission band of a transmission line for transmitting data (see abstract and figs.1-4) via a plurality of Internet service providers on the Internet between first (102 i.e. sender device) and second communication devices (106 i.e. receiver device), the method comprising the steps of:

(a) the first communication device requesting an intermediary server (104 i.e. RSVP proxy) to reserve the transmission band (col.7, ln.37 - col.8, ln.27); and

(b) the intermediary server reserving the transmission band for the first and second communication devices (col.8, lns.29-64).

10. With respect to claim 2, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, IP addresses of routers on the transmission line, and a desired band value to be reserved to the intermediary server (col.5, ln.43 - col.6, ln.5).

11. With respect to claim 3, Parnafes further teaches the intermediary server identifies band reservation setting servers (110 i.e. policy server and col.6, lns.30-58) for the routers from the IP addresses thereof, the band reservation setting servers causing their respective routers to reserve the transmission band (col.5, lns.43-54 i.e. transport parameters).

12. With respect to claim 4, Parnafes further teaches the intermediary server identifies the band reservation setting servers by referring to a table on which IP addresses of the band reservations servers are recorded so as to be correlated with those of their respective routers (col.8, lns.5-65 i.e. a table is inherent as transport parameters or policies).

13. With respect to claim 5, Parnafes further teaches the band reservation setting servers cause their respective routers to reserve the transmission band in accordance with band setting requests transmitted from the intermediary server (col.8, lns.5-65 i.e. RSVP proxy can override polices which located on itself or policy server).

14. With respect to claim 9, Parnafes further teaches the intermediary server, instead of the desired band value, utilizes an ID (col.8, lns.44-49 i.e. an ID is interpret as the user names) of one of the Internet service providers to which one the second communication device is connected and IP addresses of communication devices connected to the one of the Internet service providers, the ID and the IP addresses being transmitted from the one of the Internet service providers (col.8, lns5-65 and figs.1-4).

15. With respect to claim 10, Parnafes further teaches the desired band value is a transmission rate (col.8, lns.24-27) at which the second communication device is connected to the one of the Internet service providers (figs.1-2 and 5).

16. With respect to claim 11, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the one of the Internet service providers (col.8, lns.29-64 i.e. RSVP proxy check required bandwidth).

17. With respect to claim 12, Parnafes further teaches the one of the Internet service providers responds to the inquiry from the intermediary server (col.8, lns29-64).

18. With respect to claim 13, Parnafes further teaches the first communication device transmits IP addresses of the first and second communication devices, and IP addresses of routers on the transmission line to the intermediary server (fig.2).

19. With respect to claim 14, Parnafes further teaches a desired value of the transmission band is a transmission rate (col.5, ln.66 - col.6, ln.2) at which the second communication device is connected to a corresponding one of the Internet service providers (fig.2 and col.6, lns.64-66).

20. With respect to claim 15, Parnafes further teaches the intermediary server transmits an inquiry about the transmission rate to the corresponding one of the Internet service providers (col.8, lns.29-64 i.e. RSVP proxy check required bandwidth).

21. With respect to claim 16, Parnafes further teaches the corresponding one of the Internet service providers responds to the inquiry from the intermediary server (col.8, lns29-64).

22. With respect to claim 17, Parnafes further teaches the second communication device (106 i.e. receiving device) is connected to one of the Internet service providers

(526 and col.10, lns.33-46) which one includes a copy server (530 i.e. server) having a copy of a content distributed by the first communication device (col.10, lns.47-57 i.e. policy); and the first communication device, based on a request of the second communication device for the content, informs the copy server that the content is distributed from the copy server to the second communication device by reserving a transmission band there between (col.10, lns.47-57).

23. With respect to claim 18, Parnafes further teaches the copy server (110 i.e. policy server) transmits an IP address thereof, an IP address of the second communication device, a desired band value to be reserved, and IP addresses of all routers between the copy server and the second communication device to the intermediary server (col.6, lns.30-53 and col.5, lns.43-54 i.e. transport parameters).

24. Claims 19-22 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ise et al., U.S. Patent No. 6,336,129 (hereinafter Ise).

25. With respect to claim 19, Ise teaches a method of reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers on the Internet between first and second communication devices in compliance with an RSVP (see abstract), the method comprising the steps of:

(a) the first communication device (501) transmitting data including an ID (col.1, lns.48-54 i.e. identifier VC is inherent as VC's ID) of the first

communication device to the second communication device (601 or 602) through routers (701, 702, 703, or 704 i.e. LSR) on the transmission line (801-805, 101, 102, or 103);

(b) the second communication device (i.e. receiving terminal) transmitting to the routers an instruction with the ID to reserve the transmission band (col.3, ln.61 - col.4, ln.23, and fig.9A-B); and

(c) the routers reserving the transmission band (col.2, ln.64 - col.3, ln.19).

26. With respect to claim 20, Ise further teaches the routers prestore the ID (12, fig.2, and col.12, lns.9-45 i.e. VC search table).

27. With respect to claim 21, Ise further teaches the second communication device prestores a value of the reserved transmission band and includes the value in the instruction (col.3, lns.39-61).

28. With respect to claim 22, Ise further teaches the routers record data on a usage of the RSVP with the ID (col.3, ln.61 - col.4, ln.32).

29. With respect to claim 26, Ise teaches a device (LSR) for reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers on the Internet between first and second communication devices (110),

wherein: the transmission band is reserved at a request of the first communication device to reserve the transmission band (abs, col.12, lns.9-45).

30. With respect to claim 27, Ise teaches a device (fig. 6 i.e. LSR) for reserving a transmission band of a transmission line for transmitting data via a plurality of Internet service providers on the Internet between first and second communication devices, the device comprising:

- a first part (10) storing IP addresses of servers of the Internet service providers, the servers reserving the transmission band (col.12, lns.9-30);
- a second part (14) storing a request of the first communication device to reserve the transmission band (col.3, ln.61 - col.4, ln.23, and fig.9A); and
- a third part (12) storing results of reservations of the transmission band, the results being returned from the servers, wherein the device, upon receiving the request of the first communication device, refers to the first and second parts to instruct the servers to reserve the transmission band, recording the results of the reservations returned from the servers, and informing the first communication device whether a reservation of the transmission band is confirmed (fig.2).

***Claim Rejections - 35 USC § 103***

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

32. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parnafes as applied to claim 3 above, and further in view of Ise et al., U.S. Patent No. 6,336,129 (hereinafter Ise).

33. With respect to claim 6, Parnafes is silent on the steps (c) the first communication device requesting the intermediary server to release the reserved transmission band; and (d) the intermediary server releasing the reserved transmission band.

In a method of reserving a transmission band, Ise discloses the steps of:

(c) the first communication device (501 i.e. transmitting terminal) requesting the intermediary server to release (i.e. teardown) the reserved transmission band (col.2, ln.64 - col.3, ln.38 and fig.3); and

(d) the intermediary server (701, 702, 703, or 704 i.e. LSR) releasing the reserved transmission band (figs.11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ise by requesting the intermediary server to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" (col.3, lns.15-16). It is for this reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Parnafes in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" (col.3, lns.17-19).

34. With respect to claim 7, Parnafes is silent on the intermediary server instructs the band reservation setting servers to release the reserved transmission band. However, Parnafes clearly teaches the intermediary server (i.e. RSVP proxy) instructs (i.e. overrides) the band reservation setting servers (i.e. policy server) (Parnafes, col.8, lns.17-21).

In a method of reserving a transmission band, Ise discloses the intermediary server (Ise, 701, 702, 703, or 704 i.e. LSR) instructs the band reservation setting servers (i.e. the receiving terminal or a router from a receiving side) to release the reserved transmission band (Ise, col.2, ln.64 - col.3, ln.38 and fig.3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ise by instructing the band reservation setting servers to release the reserved transmission band because this feature "is possible to delete the reserved bandwidth immediately" (col.3, lns.15-16). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" (col.3, lns.17-19).

35. With respect to claim 8, Parnafes is silent on the band reservation setting servers cause their respective routers to release the reserved transmission band in accordance with band release requests transmitted from the intermediary server.

In a method of reserving a transmission band, Ise discloses the band reservation setting servers cause their respective routers to release the reserved transmission band in accordance with band release requests transmitted from the intermediary server (figs. 3 and 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parnafes in view of Ise by releasing the transmission band of all the respective routers because this feature "is possible to delete the reserved bandwidth immediately" (col.3, lns.15-16). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parnafes in view of Ise in order "to deal with a change of communication route by the network and a malfunction of a router" (col.3, lns.17-19).

36. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ise as applied to claim 19 above, and further in view of Hejza, U.S. Patent No. 6,577,628.

37. With respect to claim 23, Ise is silent on the step (d) an intermediary server issuing the ID under contracts with the Internet service providers including the routers and the first communication device using the RSVP to pay for a usage of the RSVP.

In a method of reserving a transmission band, Hejza discloses the step of (d) an intermediary server (150) issuing the ID under contracts with the Internet service providers (100) including the routers (140 or 170) and the first communication device using the RSVP to pay for a usage of the RSVP (col.3, lns.30-31 and col.2, lns.32-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ise in view of Hejza by adding the step (d) because "ISPs can provide their users with various levels of service" (col.3, lns.22-23). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Ise in view of Hejza in order to "increase service to those of its users willing to pay" (col.3, lns.30-31).

38. With respect to claim 24, Ise is silent on the step of (e) the intermediary server, when informed of the usage of the RSVP from the Internet service providers, generating a trigger to pay the Internet service providers for the usage of the RSVP and a trigger to bill the first communication device for the usage of the RSVP.

In a method of reserving a transmission band, Hejza discloses the step of (e) the intermediary server, when informed of the usage of the RSVP from the Internet service providers, generating a trigger to pay the Internet service providers for the usage of the RSVP and a trigger to bill the first communication device for the usage of the RSVP.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ise in view of Hejza by adding the step (e) because "ISPs can provide their users with various levels of service" (col.3, lns.22-23).

It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Ise in view of Hejza in order to "increase service to those of its users willing to pay" (col.3, lns.30-31).

39. With respect to claim 25, Ise is silent on the intermediary server specifies the first communication device based on the ID issued thereto in generating the trigger to charge the first communication device.

In a method of reserving a transmission band, Hejza discloses the intermediary server specifies the first communication device based on the ID (320 i.e. retrieve user information is inherent as the ID of the first communication) issued thereto in generating the trigger to charge the first communication device (col.3, lns.30-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ise in view of Hejza by generating the trigger to charge the first communication device because "ISPs can provide their users with various levels of service" (col.3, lns.22-23). It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Ise in view of Hejza in order to "increase service to those of its users willing to pay" (col.3, lns.30-31).

***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Network architecture with event logging," by Picher-Dempsey, U.S. Patent No. 6,779,031.

b. "Node device and method for controlling label switching path set up in inter-connected networks," by Katsube et al., U.S. Patent No. 6,341,127.

c. "RSVP-based tunnel protocol providing integrated services," by Chuah et al., U.S. Patent No. 6,519,254.

d. "Routing apparatus and a routing method," by Tazaki, U.S. Patent No. 6,765,872.

e. "Point-to-point protocol with a signaling channel," by Araujo et al., U.S. Patent No. 6,118,785.

f. "Apparatus and methods for providing event-based data communications device configuration," by Chawla et al., U.S. Patent No. 6,771,661.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NT

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